

**MINUTES**  
**KITTY HAWK TOWN COUNCIL**  
**Monday, June 7, 2021**  
**Kitty Hawk Town Hall, 6 PM**

Agenda

1. Call to Order
2. Moment of Silence/Pledge of Allegiance
3. Approval of Agenda
4. Introductions/Awards
  - Police Officer II Amy L. Heckhaus
  - Police Officer III Brandon M. Rutherford
  - Sergeant James D. Helms/10 Year Service Award
5. Presentation
  - Beach and Dune Designs/Ken Willson, Senior Project/Program Manager, Coastal Protection Engineering of NC, Inc.
6. Public Comment
7. Consent Agenda
  - a.) Approval of March 15, 2021, April 26, 2021 and May 3, 2021 Council Minutes
  - b.) Amendment to the Personnel Policy, Article X, Section 3, Town Benefits (Addition of Dependent Coverage to Retiree Health Benefit)
  - c.) Resolution for Receiving Federal Funds Under the American Rescue Plan Act (ARPA)
  - d.) FY 20-21 Budget Amendment #14
8. Items Removed from the Consent Agenda
9. Planning:
  - a.) Schedule Public Hearing: Subdivision Variance: Southern Woods Phase I, Hornbeam Rd.  
Applicant has requested a subdivision variance to create buildable lot from parcel smaller than minimum required for zoning district. It is requested the public hearing be held at the July 6, 2021 council meeting.
10. Public Hearing:
  - a.) Fiscal Year 2021-22 Budget
    - \* Town Council Stipend Discussion
    - \* Amendment to the Personnel Policy Article IV, Recruitment and Employment.  
Section 8. Career Ladder Promotion (Within Range) Discussion
11. New Business:
  - a.) Appointments to the Planning Board and Board of Adjustment
  - b.) Appointment to the Dare County Land Transfer Tax Appeals Board
  - c.) Police, Fire/EMS Substation Architectural Review Committee Recommendation
12. Reports/General Comments from Town Manager
13. Reports/General Comments from Town Attorney
14. Reports/General Comments from Town Council
15. Adjourn

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#### **COUNCILMEMBERS PRESENT:**

Mayor Gary Perry, Mayor Pro Tem Craig Garriss, Councilman David Hines, Councilwoman Lynne McClean and Councilman Jeff Pruitt

#### **STAFF MEMBERS PRESENT:**

Town Manager Andy Stewart, Town Clerk Lynn Morris, Town Attorney Casey Varnell, Planning Director Rob Testerman, Management Assistant Melody Clopton, Finance Officer Liliana Noble, Police Chief Joel Johnson, Fire Chief Mike Talley and Public Works Director Willie Midgett

### **1. CALL TO ORDER**

Mayor Perry called this meeting to order at 6 p.m.

### **2. MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE**

Following a moment of silence, the Pledge of Allegiance was recited.

### **3. APPROVAL OF AGENDA**

**MPT Garriss made a motion, seconded by Councilwoman McClean, to approve the agenda. The vote was unanimous, 5-0.**

### **4. INTRODUCTIONS/AWARDS**

- Police Officer II Amy L. Heckhaus
- Police Officer III Brandon M. Rutherford
- Sergeant James D. Helms/10 Year Service Award

Police Chief Johnson introduced PO II Heckhaus and PO III Rutherford and the council welcomed them to the town. He then presented Sergeant Helms with his ten-year service plaque.

### **5. PRESENTATION**

- Beach and Dune Designs/Ken Willson, Senior Project/Program Manager, Coastal Protection Engineering of NC, Inc.

**Willson:** *I do not want to take too much of your time tonight, but we are getting pretty close to hitting some big milestones in the next phase of the town's beach renourishment project. Andy, Liliana and I have been talking about some of details and we thought it would be good to update you this month. Give you a frame of reference of how we are looking at things moving forward,*

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*making some final decisions about how we want to set up this renourishment project. It seems fairly straightforward but there are a few things I think are important for the town to keep in mind as we move forward.*

*The town has a maintenance plan for its beach nourishment project. The way these projects work ... the first project is pretty robust, you are establishing a design, you are putting advance fill out there which is the material that you know is going to erode away over the next five years between cycles. The initial project is usually the most expensive one. After that you come back and you are renourishing, putting back that sacrificial sand you lost over the course of five years. In the maintenance plan we have a volume that we have estimated of what we believe you need every five years and that is what we have based the estimated budget for this upcoming project on. That volume is 645,000 cubic yards. The estimated cost includes engineering costs, mobilization and all the other ancillary services that go along with the placement of the sand. That volume is essentially based on an assumption that the project will lose about 6 cubic yards of sand per linear foot of project per year. That is kind of how we look at these volume changes.*

*I have shown this diagram slide a bunch of times. Some of you can probably present this part of it by memory. It does a good job of establishing how these projects work and the maintenance aspect of these projects.*

*I just talked a minute ago about how when we build the first project, we have to establish a design beach. That is there to provide a certain level of protection for all these houses and then we have to put some sacrificial sand in front of that design beach. That is the sand we expect to erode away over the course of five years during the renourishment interval. This schematic shows that process. When we construct the beach, we make it a little wider than we expect it to be. We know some of that material will move down into the deeper part of the profile. That happens basically over the course of several months. What we see here is once the beach is what we call equilibrated, once that sand has moved naturally offshore and the beach is the way that it should be, we are left essentially with two parts of the beach nourishment. The design beach, which is that point that the red arrows are pointing to. That sort of protects you from whatever the design beach was. In this case it was trying to mitigate from all of that over wash that we were seeing in the years past. And then that advance fill, those green arrows, are basically pointing to the sand we expect to erode away over the course of five years. Now that we are getting to a point of renourishment, we are basically looking at is that design beach still in place, do we have all the sand there and did we assume correctly on the amount of material that we placed out there the first time for that advance fill? Do we need more advance fill, do we need to put back any of the design beach?*

*One of the things we do is look at the design volume. There is a set template that was based off our 2014 survey, back before the project was built. We can put that template on there and measure what the beach looks like now. We just finished up some surveys in April of this past year and we have compared those April 2021 surveys to what that design is supposed to be. The design we just showed in the schematic. When we look at that it shows there is a net deficit of about 43,000 cubic yards. Now that design volume, depending on how you measure it, is about a million cubic yards.*

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*It is more than a million cubic yards so 43,000 cubic yards of that is a small amount. It is not equally distributed. There is a little bit of a deficit up along the northern 2,000 feet of the beach from about Fonck Street down to Pelican's Perch where the Kitty Hawk RV Park is. That area actually has more sand than what that design is. Then as you move south of the Kitty Hawk RV Park there is a little bit of a deficit down there. When you net all those gains and losses together it looks like a deficit of about 43,000 cubic yards. In terms of the design there is a little bit of material we would like to put back to establish that set design.*

*In terms of the advance fill ... how we measure those advance fill volumes. This is a chart we update every time we provide you with a monitoring report. Every year we go out and we do surveys. Essentially this chart shows this is the point of zero, before the project began, this big increase in the chart is actually the construction of the project and then we monitor the amount of sand that changes for each particular survey. So, one of the things we saw was over the course of the first interval that we surveyed from December 2017 to the summer of 2018, about a six-month period, the volumes we measured said the project lost about 28% of the volume we placed out there. That is a lot of sand. That is more than we would expect to lose over a six-month period when we have five years of a nourishment interval. We are watching those numbers, checking them, did they make sense, starting to look at some different things.*

*Typically, what you would see during a nourishment cycle is some high rates over that first year and then you would see that rate start to taper off over time. This little blip here is Hurricane Dorian, so between the survey we did in the summer of 2019 and when we did a survey after Dorian, we actually measured that there was a little bit of an increase in the volume from Dorian. Now Duck lost sand because of Dorian and Kill Devil Hills lost sand. We just go by the data. We ran the surveys, and it actually shows that some of the sand has gained in the Kitty Hawk portion of the project. But when you average out that storm survey essentially from 2019 to 2020, we are showing a modest loss. You can see how this curve is starting to set up the way we would normally see it. High losses in the beginning and then it starts tapering off. But what we saw from June 2020 through that most recent survey is we have actually seen a gain of some sand in the project. Essentially the loss you have looked at over the three and half to four years, if you were to draw a straight line across there, we are starting to see some moderate erosion across the project. You see some of these things that are a little bit anomalous. We have spent a lot of time looking at these numbers and trying to say before we put all our eggs in one basket do these numbers make sense? Are we comfortable with these numbers, are we measuring it correctly?*

*You have heard me talk a lot over the years about depth of closure. When we go out and survey these profiles, we do not just survey out on the dry sand beach. If the beach has changed this much, we want to survey all the way out to a depth of 25 to 30 feet of water. These next couple of slides are from a presentation I gave at a couple of different professional conferences over the last year illustrating some of the situations we are dealing with monitoring these projects on the Outer Banks. Typically, if you think of this blue line down here, this is the minus 24-foot contour, this is what we would refer to as our depth of closure. What you see here are four different profiles, four different surveys on the same line going across the beach and out into the water. They are spaced*



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*about a year apart and you can see all these changes that occur between zero and minus ten. This is essentially the bar moving back and forth. That happens a lot as a response to storms.*

*You can see some changes in the face of the dune. These are changes up around the plus ten, the dry sand beach. You are seeing some changes there but when you see all these profiles kind of meet up around that depth of closure that tells you that if you are measuring down to this depth then you really are capturing all of these changes that are essentially just sand moving up onto the beach or down into the bar system and up onto the beach. As long as you survey out to that you are capturing all those changes and you are measuring how much sand has moved outside of the project laterally or moved out into deeper water. That is why it is really important for us to survey out to that depth of closure. In a couple of places along the Kitty Hawk, Kill Devil Hills project when we surveyed down to this depth of closure from year to year to year, we started seeing things like this. All of these profiles do not line up at this 24-foot contour but if I am comparing volumes above this minus 24-foot contour all of these changes that are going on out here are impacting those numbers that I just showed you in that curve a few minutes ago.*

*Why is that happening? It is happening because these offshore depressions, these big bathymetric anomalies that we see in different parts of Kitty Hawk and Kill Devil Hills. Again, these are a couple of slides that illustrate these features. Some of you have seen these before but this is one that I put together for one of the conferences that show this is just a point where this particular feature gets closest to shore. This is a 2009 survey that was done prior to the project being constructed. This is Kitty Hawk Road here so this would have been when this feature was a little bit north of the Pelican's Perch house out here but when we resurveyed that in 2017, we see that feature is not stationary. It has actually moved about 2,000 feet. So, we are trying to make sure that when we are looking at these volume metric changes that these offshore features are not what is impacting our volume because the reason we survey out that far ... think of it as sort of like a foundation of a house. The beach that slopes all the way down to that deep water is the foundation that holds your design in place and if we start eroding away at that deeper depth that foundation goes away and sand from the beach may start ... we may start losing more and more of that sand. But if the volume change we are measuring is because of these features that are 2,000, 3,000 feet offshore that is probably not affecting the foundation of the beach project. That is something else that is going on offshore.*

*We spent a lot of time in the beginning of the project trying to figure out the best way to monitor this. Back in 2018 we came up with an idea that not only would we survey these beach profiles that go across the beach, but we would also survey more high-resolution lines going parallel to the beach out beyond the breaking wave area. Essentially on the inside of this dotted line we are using the beach profile to calculate our volume change, on the outside of that dotted line we are using all these shore parallel bathymetric surveys. That should give us a little bit higher resolution. When we compare those two numbers, this is just an example over this two-year period, we have a profile-based method which is just looking at those beach profiles and we see a loss of about 315,000 cubic yards. When we look at that hybrid method, using the offshore and the beach profiles, we have a volume that is a little bit higher than that.*

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*One of the caveats though I will say is that this first survey we took ... the beach profile surveys at that time were done in June and this was the first time we ran those shore parallel lines. We ended up deciding to do those shore parallel several months later in October and so these are not exactly apples and apples looking at those two surveys. In 2019 we did all the surveys at the same time and in 2020 and 2021 we did all the surveys at the same time. I do not have volumes for the 2021 hybrid approach yet. We have not gotten the data back from the survey contractor but what we would like to do is take a look at our 2019 survey out to our 2021. It will give us two years of that hybrid method where all of the data was collected at the same time and we can compare that to some of the volume changes that we are seeing with the profile based method.*

*There are a couple of different ways we are trying to figure out what is the correct advance fill number that we want to focus in on. With these anomalies going on offshore we know we cannot just draw a straight line at the minus 24-foot contour. We want to make sure that we are as close to accurately depicting how much volume the project is losing without having things being influenced by these changes that are going on offshore that really do not impact the project.*

*We have looked at this a couple of different ways. We have data from the very first survey we conducted in 2017 and we have new data that was conducted in 2021. These are just the profiles this is not using the hybrid method. This is essentially all those values I showed on that first curve where we saw the cumulative changes over time. If I measure out to the 24-foot contour from 2017 to 2021 we can compute that we have lost about 444,000 cubic yards of sand. That represents a certain period of time of a five-year nourishment interval. If we extrapolate that number out to get us to five years, it looks like about 666,667 cubic yards of sand is what we predict based on the profile-based losses between 2017 and 2021.*

*We also looked at this a couple of different ways. We looked at it from 2018 to 2020 which kind of takes out the big losses that we saw initially over that first six-month period that we are sort of chalking up to the project adjusting, equilibrating itself. We have these, 2018 to 2021, but what we would really like to see is that 2019 to 2021 hybrid number that I mentioned earlier because all the data would have been collected at the same time in 2019 and in 2021. We should be able to get a number and sort of compare it to this number and we are at some point going to have to make a judgement decision as to what we think the recommended advance fill number should be to be able to keep up with the erosion that we think we will see over the next five years.*

*I think the very first slide I showed you had the budget, the planning number, which was 645,000 cubic yards so we are getting pretty close to that number here. We are anxious to see what this number will look like. One of the interesting things we saw is if we were just using a rate from 2018 to 2021, which we are doing for the Town of Duck's project, we have three good years of data. They do not have these offshore features, but we are using 2018 to 2021 and it kind of takes those first six months out of it and we can use that as our long-term erosion rate. But between 2018 and 2021 for the Town of Kitty Hawk if we look at just the profile volumes you have actually gained volume so we cannot establish an estimated amount of sand you are going to lose if our rate is a positive number between 2018 and 2021. It is a good problem to have for sure, but we do not*

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*expect you to have a positive trend over a five-year period. So, there are bright spots in here that say during certain periods of time of the nourishment project our monitoring showed that the project is performing very well but we want to make sure we hit the nail on the head, and we use our best judgement to come up with that advance fill number.*

*In terms of project volume, the amount of volume that you will put back on the beach during this 2022 project, we want to think a little about that design template. It is mostly intact, but we want to make sure the design template will be fully intact once that project is constructed. Of course, by adding that advance fill essentially at the beginning of the project you will have your design back in place, but it is a matter of making sure we put the correct amount of advance fill out there. Over the next couple of weeks we will be looking at that advance fill number based on that hybrid method, the volume to be determined once that 2021 data comes in.*

*Then the other thing to think about is, I had mentioned it with the design volume, when we come out and place the volume for the 2022 project, we are going to be taking into consideration that parts of the project have performed better than other parts. We look at this design deficit and we are seeing that up at the northern 2,000 feet of the project. That area per cubic yard will probably get a higher density of sand than say areas down around Eckner where the project is really performing very well or the southern part of the project where there seems to be a deficit. So those are all things taken into consideration when we build that beach back in the area around Sea Dunes where the dune is all escarped out. Things like that. When we place that sand back on the beach it will not be necessarily uniform. It will vary based on those changes.*

*One other thing I wanted to mention to you is that part of the work we have been doing is when we first constructed the project, we built a starter dune. This diagram essentially shows it in the red line, a beach profile. It is just representative, saying the beach profile, what it looked like before the project was built. The green profile is when the dredgers finished that section of the beach and measured it to get paid. That is what the green survey is. You can see this is the plus six feet, the big wide beach that they constructed, and this is the starter dune that was constructed along this particular profile. What we see between 2017, when the project was built, and this blue profile, which is the 2020 survey, is the dune elevation has built up pretty substantially and so this light color yellow is essentially the sand that was mechanically placed there and this tan color is really in essence what you had at 2020.*

*The sand fencing and vegetation has worked well. It sort of has done what it was intended to do in most places along the beach. As part of our current design analysis when we first built the project the goal was really to mitigate the flooding that was occurring. We really did not get into could we protect those oceanfront houses, or could we protect Highway 12 in places it was vulnerable. So, we wanted to go back and look. With these improvements that have happened, because of the sand fencing and the starter dune, is there enough volume in the system now that we could afford to augment this dune. Build it up a little bit more and actually achieve the storm damage protection the way that the project in Kill Devil Hills and Duck are doing. Providing not only flood mitigation but storm damage mitigation as well.*

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*We ran a couple of different simulations in the same model that we used in the beginning to come up with these designs. At the time we ran the model we did not have this new 2021 data so based on the 2020 conditions the number of structures that our modeling shows as vulnerable structures along the shoreline ... the design storm that we use is meant to mimic Hurricane Isabel. You might remember us talking about that. Essentially if a storm like Isabel were to hit the project in 2014, before the project was constructed, we estimated there would have been 126 oceanfront structures and some stretches of road as well would have been impacted. There are a couple of different ways that we evaluate what impact it is but essentially 126 structures were going to be impacted when we reran that same scenario. For the 2020 condition, after that dune had been naturally built up from the project, we estimated that only about 70 of those structures would have been impacted by that same storm. So just by constructing the starter dune and then some of the buildup that we have seen from the sand fencing you have reduced that vulnerability by about 44%.*

*The question is could we add more sand to that within the budget and maybe improve those numbers even more. We ran a couple of different simulations. We looked at one where we would essentially build out from the 15-foot contour, make the dune about 20 feet wider, slope it down to the dry sand beach. That showed about a 23% reduction starting at that 70-structure number. We also looked at going up to 18 feet and building it out 20 feet wide. So, we are essentially widening and enlarging the dune. The 15-foot design reduced the vulnerability by about 23% and 18 reduced it by about 66%. That is pretty linear.*

*We also looked at the volumes we were coming up with for those. Essentially, we can say build that dune all the way along the beach but when we looked at the project there were areas where building it did not really provide any additional protection because there were not houses that were vulnerable in certain stretches. We want to optimize if we are really going to hone in and figure out where to build this dune. Where should we construct it?*

*We looked at a couple of different scenarios. One of them was building an 18-foot dune, approximately 7,000 feet, from a little bit north of Wilkins Street up to the Hilton Garden pier. We were also going to construct about 2,200 feet between Kitty Hawk Road and a point about 500 feet north of White Avenue. We were trying to reduce as many impacts as possible with the smallest amount of sand. Sort of optimizing this alternative. So, with 89,000 cubic yards we can reduce those losses by about 56%. I am going to show you a chart here that will summarize all of this, make it a little easier.*

*Once we went through this optimization, we presented some of the alternatives to resource agencies. The original projects were built where the dune slopes down on a one on five. That is pretty standard. For every one foot of elevation change the dune slope. It is 5 feet wide so it is not a big steep slope like you would see if you were driving down Highway 12. On the back side at Kitty Hawk Road, it is not a very steep slope. It is a very gradual slope. Some of the resource agencies recently said on some of these steeper beaches that slope matches sort of the dry sand beach slope and when turtles are nesting, they cannot tell the difference between the dry sand beach and sometimes they will go up into the dune if that slope is not steep enough. They have*



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*started asking us, when we build a beach, to make those dune slopes a little steeper, so the turtle knows when it is in the dune. We went back and looked at modifying the slope a little bit and we ran those same numbers.*

*I am going to summarize those alternatives here and come back to it. We were up here about a month ago and took drone video of the whole beach. We were looking at this over the last several days or so and one of things you will notice is the top of the dune. There is still sand fence out there in some places and a lot of folks have vegetated it. I know the town has been involved with some of the volunteer groups and homeowners planting some vegetation. The vegetation has taken nicely along a lot of stretches and so essentially if we were going to construct a bigger dune, we would be covering up a lot of that vegetation. We would be moving the dune a little bit further out onto the dry sand beach. Based on what we have seen of the performance of the starter dune over the first cycle we started looking at if we are going to build this big, flat, dry, sand beach again during the 2022 project why not do what worked the first time. Why not put more sand fencing out there, potentially set aside money for vegetation? There may be some areas that could be looked at where you are using it for vehicular traffic and maybe putting some timber crossovers there which keeps some of the foot traffic from knocking over places like in this photo here. As we were looking at that we were looking at that vegetation.*

*I mentioned we were going to put in about 2,000 feet of dune between Kitty Hawk Road and about 500 feet north of White but when we looked at that drone footage and looked at things a little bit closer, we probably do not need to build that dune along that entire 2,000-foot stretch. You could probably get by with maybe reconstructing that dune about 800 feet which would save you some volume as well.*

*After looking at those different alternatives, running those simulations, I think where we are right now in terms of the dune design recommendation would be to maximize the sand placement on the berm. Place as much sand out to create a dry sand berm and not necessarily worry about augmenting the dune. Pushing it out could cover up a lot of that vegetation on the oceanfront side. Place sand fencing at the top of the dune.*

*We talked a little about potentially putting some sand fencing back between the two dunes where there is kind of a swale to catch some sand and that would increase the storm damage reduction. Then the reconstruction of that damaged dune along that 800-foot area. Also talked about supplementing vegetation along the project area and looking at crossovers at public access locations. Some of those alternatives we were talking about earlier, the 15-foot dune along the entire town. This table shows how much volume it would take to build each one of those alternatives. We talked about the percent reduction you would get based on the 2020 condition and then the cost, based on the amount of volume, using a unit cost for the sand of about \$9.20. We come up with all these different numbers. Essentially you would come up with that money as taking away sand that you were going to put on the dry sand beach out of the 645,000 cubic yards we talked about in the beginning that the budget is based on or you would be increasing the cost of your project by these numbers.*



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*Those are all the different alternatives but the one that we came up with in the end, the recommended plan, the sand fencing, the 800 feet of dune, clearly that is the lowest cost. And based on the way that starter dune worked the first time and knowing that we are going to be putting a dry sand beach out there in 2022 to reconstruct the project or to place that advance fill our recommendation is that it could be just as effective as some of the more expensive alternatives that would probably end up covering some of that vegetation.*

*In terms of the sand source. Some people just assume we can go out there and dredge anywhere and pull sand up. There is a lot of effort that goes into identifying where the sand comes from. We did a lot of work in preparation for the first project. Developing this initial borrow area, Borrow Area A. You can see where that is in relation to the Town of Kitty Hawk. This yellow line is three miles offshore. It denotes the state waters versus the federal waters. We did some work last fall trying to identify and see if we could come up with a borrow site that is a little closer to the town and specifically closer to the Town of Southern Shores since they are looking at participating in this next project. We looked at a pretty big area offshore of Kitty Hawk and Southern Shores that showed through the bathymetric data and other data that there was some promise of sediment deposits out there that could be used for beach nourishment. We conducted these surveys back in October and it is sandy material, but the material is a finer grain sand than what was put on the beach last time. It also has a higher percentage of silt in it. The color is pretty dark, and at this point in time it would be trouble to try and put it on when we have other sources of sand. So, we did the reconnaissance investigation out there and stopped and we will credit back some of the survey costs to the towns.*

*We did collect some additional data on Borrow Area A. I think in the future, probably not in this upcoming project, but in future projects it does show there is some promise to expand this borrow area a little bit further out. It looks promising for at least the next couple of cycles that we are not going to have to go too far to look for additional sand.*

*This is a final slide I have. Right now, there are two big things we are keeping an eye on. We want to have our permits in place. We want to bid this project out in the middle of July so that by the end of August we have costs in place from the dredge contractors and we can finalize the plans and move forward. Obviously, we do not expect the project to be built until next year, but it is important to get the bid documents out on the street soon enough so that by the time they go out to the dredge industry the dredge industry is not all booked up for next season and we can get good competitive bids. We spent a lot of the time over the last couple of months talking to the dredge contractors informing them what the project is going to look like, the volumes, the different towns, talking through beach access issues, construction access issues, things like that. The company's we talked to, about four of them, they all seem very interested. They all think the schedule we laid out is a pretty good time frame. They should have availability when we bid.*

*We have been to a couple of the other towns presenting similar information and everybody asks how good are your estimates? Are they rock solid? We are not going to know if they are rock solid until we open those bid documents, but we have definitely done our due diligence. The things we*

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*are doing to try to design this is to make it constructable. The conversations we have had with the dredge industry is it looks like we are on the right track. So, time will tell but we are on a tight schedule to hit that bidding date of mid-July. Things are looking pretty good for it.*

*The other thing is permits. The permits were submitted back in February. We expect we will have all the permits in time to bid this project so the dredgers and construction contractor know what the permit conditions will be. It looks like we will have all that in place as well.*

*That is a lot of information. It is a big project and I wanted to come here and brief you and give you a chance to ask some questions.*

**Perry:** *You have talked about things that I do not think any councilmember was considering because the dunes we have are working. They have been built up as you said. The basic question is are you folks going to at least let us input before you get to the point of putting this out to bid?*

**Willson:** *Yes. I mean that is what we are here to talk about. The last time I talked with Andy and Liliana, back in April, we were going in a little bit of a different direction. We were getting closer to some of those dune numbers but as we started getting more and more of this data in, the numbers did not seem like ... I think we would have probably come to you sooner if it were going to be a cost implication or a real change in the design of the project but going through that dune analysis was in our scope of work, to walk through that process, and see if we could improve the storm damage vulnerability or the storm damage reduction aspect of the project. It was something we wanted to make sure that we were doing our due diligence on.*

**Perry:** *I think maybe before you get too much further into this you might ask for some common sense from the rest of us too. The other thing on steep dunes. One of the things we were most concerned about when we said we need a starter dune of some sort was, and you went back and did all your research, was runup. Runup on a steep dune will erode that dune quicker than a gradual slop. Do you agree with that?*

**Willson:** *I do.*

**Perry:** *Do the turtle people understand that?*

**Willson:** *Yes. I mean the difference in that one on four and one on five, it might be something to look into to see ... I mean we can run some of these models and look at the steepness of the dune.*

**Perry:** *I do not want to keep going on with this but that starter dune with the flat top occurred because we said, when you did the dune push, it was steep just like what you are showing there, and we said no, that is not what we want. That is not what is going to work. People cannot get across it and so forth. You redesigned it, you flattened it out, but you had to add a little bit to it, and we gave up some cubic yards on the berm.*

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**Willson:** *Right.*

**Perry:** *That has been good for us and now we have grass laying on top of it and those sorts of things. I cannot imagine any of us wanting to steepen that dune and we certainly do not want to wind up with that peaky dune that you are talking about because that is not natural. It is not the way a sand fence is going to bring it up.*

**Willson:** *No. This is not designed ... this is what it looked like in 2020. This is not showing what we would construct. This is showing what that dune actually looked like at that 2020 survey. There is a lot of vertical exaggeration here. It looks very steep, but it is not that steep if you were out there and walked over it. Really this flat part here is part of your dry sand beach so this dune only looks a couple of feet high but originally when the project was built that dune was only built to twelve and this one is probably up to fifteen, sixteen feet high.*

**Perry:** *That is right. But if you put more berm out there, and we put fence up there, then we are going to be where you are targeting.*

**Willson:** *Pushing further out onto the ...*

**Perry:** *That is right. It is building over now to where the state is having to move it and put it on top of some of that vegetation. I am wondering if the state got some calls about it. You said we had some loss in two different places. Are you talking about underwater?*

**Willson:** *Those numbers I talked about, the 43,000, that is a deficit based on a design that really only goes down to maybe eight feet of water. We are talking about what you can see when we talk about that deficit.*

**Perry:** *That is all I have. Thank you.*

**Willson:** *The clerk has the slides if you would like access to them. Thank you.*

## **6. PUBLIC COMMENT**

Mayor Perry announced the public comment section is now at the beginning of the meeting. Council wants to hear and consider any comments before action is taken.

There were no public comments.

## **7. CONSENT AGENDA**

**a.) Approval of March 15, 2021, April 26, 2021 and May 3, 2021 Council Minutes.** *(An approval of the consent agenda will approve these minutes.)*

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**b.) Amendment to the Personnel Policy, Article X, Section 3, Town Benefits (Addition of Dependent Coverage to Retiree Health Benefit).** In 2020 council asked staff to explore allowing retirees to add dependent children to the health insurance plan. The town's health benefit provider has given the clearance and retirees will pay the premium. *(An approval of the consent agenda will approve this amendment.)*

**c.) Resolution for Receiving Federal Funds Under the American Rescue Plan Act (ARPA).** This resolution allows the town to receive ARPA funds for necessary expenditures incurred due to the public health emergency connected with the COVID-19 pandemic. *(An approval of the consent agenda will approve this resolution.)*

**d.) FY 20-21 Budget Amendment #14.** This amendment, in the amount of \$704,000, will transfer funds from the Capital Reserve Fund for the payment of a new fire truck. *(An approval of the consent agenda will approve this amendment.)*

**Councilwoman McClean made a motion, seconded by Councilman Pruitt, to approve the consent agenda. The vote was unanimous, 5-0.**

## **8. ITEMS REMOVED FROM THE CONSENT AGENDA**

No items were removed from the consent agenda.

## **9. PLANNING**

**a.) Schedule a Public Hearing: Subdivision Variance: Southern Woods Phase I, Hornbeam Rd. Applicant has requested a subdivision variance to create buildable lot from parcel smaller than minimum required for zoning district. It is requested the public hearing be held at the July 6, 2021 council meeting.**

**MPT Garriss made a motion to set a public hearing at the town council meeting on July 6, 2021 to consider the proposed subdivision variance for PIN #9866116647760, Hornbeam Road. Councilwoman McClean seconded and it passed unanimously, 5-0.**

## **10. PUBLIC HEARING**

**Perry:** *Along with this hearing there are some council discussions once we go back into regular session.*

### **a.) Fiscal Year 2021-22 Budget**

- \* Town Council Stipend Discussion
- \* Amendment to the Personnel Policy Article IV, Recruitment and Employment. Section 8. Career Ladder Promotion (Within Range) Discussion

**Councilwoman McClean made a motion, seconded by Councilman Pruitt, to go into public hearing for the budget. The vote was unanimous, 5-0.**

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Manager Stewart reviewed his staff memo with council and noted the increase of the council stipend is the only change from the April 26<sup>th</sup> budget meeting.

**Proposal:** Presentation of FY 2021-22 Budget Ordinance & Budget Document.

**Background Information:** The Town Council held a work session on April 26, 2021 to review and discuss the FY 2021-22 Budget. The proposed budget includes a tax rate of .30 cents per \$100 valuation which represents the revenue neutral tax rate calculated from the new property revaluations conducted by Dare County in 2020. Properties located within the Beach Nourishment MSD pay an additional .10 cents per \$100 valuation. The budget is balanced with revenues and expenditures of \$10,168,483.

**Staff Analysis:** The proposed budget includes allocations for expenditures and estimates of revenue in each of the Town's General Fund and Capital Reserve Funds, and the five-year Capital Improvements Plan (CIP). The budget places emphasis on sound fiscal management and operational decision making in accordance with the goals and objectives established by the citizens, Town Council, and staff.

**FY 21/22 Budget Highlights include:**

No tax rate increase  
2% Step increase for full-time & part-time employees  
Salary adjustments for Mayor & Town Council  
Career ladder expansions within the Police and Fire Department  
Maintains existing staffing levels  
Funds debt service payment for Police, Fire/EMS substation

The budget was drafted in accordance with the Government Finance Officers Association and North Carolina General Statutes. All recommended changes discussed by the Town Council at the Budget work session have been included in the final budget document on file at the Clerk's Office.

**Garriss:** *Andy, I just want to clarify nothing was cut and nothing was added to make room for these items that we are going to suggest.*

**Stewart:** *We did not change the underlying dollar amount to make any changes of the original budget. It has always had a revenue and expenditure of \$10,168,483. We reduced council travel and training and instead of setting aside \$50,000 for a future fire truck it is now \$35,000.*

**Garriss:** *It is not going to hurt us.*

**Stewart:** *No.*

Not seeing or hearing anyone with a comment, Mayor Perry asked for a motion to return to regular session.

**MPT Garriss made a motion to go back into regular session. Councilwoman McClean seconded and it passed unanimously. The vote was unanimous, 5-0.**

**Perry:** *If you do not have any questions on the actual budget beyond the two bullet points, I am going to move to the first one. The compensation that is being proposed is a yearly compensation.*



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*In the past the compensation that you have been receiving has been per meeting. That makes a difference here depending upon how much money that you want or feel like you need to get in a stipend. For example, the figure that he has given us so far, if you add up for at least the 14 meetings we typically have in a year, the figure is around \$30,000. If you receive it per meeting it is going to raise it up to almost \$40,000. You need to think about that and tell him now are we going to continue monthly or on a yearly basis.*

**Pruitt:** *If we are going to do this I would rather have it yearly.*

**Perry:** *The way he has it here.*

**Pruitt:** *Yes.*

The three other councilmembers agreed with Councilman Pruitt.

**Perry:** *You have your direction.*

**Stewart:** *Yes.*

**Perry:** *That is the start. In 20 years we have not done anything like this so I want to start with how we got here. What your thinking is. I am going to start with you David because you are the one that brought it up. Tell the people why you think we need this.*

**Hines:** *It is pretty cut and dry. For 20 years there has not been an increase. If we want people to ... you should not do it for the money to begin with, it is not about that, but you are also taking time away from other things, jobs. It is way out of line compared to other towns and what I propose to do is still under the average of the rest of the Outer Banks.*

**Pruitt:** *I have always never paid attention to it. I have had concerns about the future trying to get people to run for council. You are leaving and someday I am going, and I would hope we could get somebody that would be willing to do this and not have them say they cannot do it because they cannot afford to. I would hate to lose a good candidate in the future because he realizes how much time he is going to have to put into it. I certainly do not want to be the highest paid, but I agree we ought to make it so it is not costing somebody to be on council.*

**McClellan:** *Both Jeff and David said every thought I had. It is not about the money but when you get down to it you are asking someone to be on council and that is a chunk of time with very little compensation. Like Jeff said if someone is losing income for their duties to the town, I do not want that to be a reason they are not going to work for the town.*

**Garriss:** *David you have done a lot of leg work on this and thank you very much. The mayor and I actually had a discussion a couple of years ago about this, but it was not to the point of bringing it before council. It never got that far. I knew we were at the bottom, but I had no idea how much*

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*we were at the bottom until I saw your numbers. None of us do this for the paycheck. I remember when I stepped up from the planning board to council. I did not know what the council salary was, did not ask, did not care. I was stepping up to town council to serve but I must admit when I found out that my check did not increase from the planning board to council ... I said wow. And it has been like that ever since. It is the right thing to do. It feels a little strange to be honest to be sitting here talking about our own salary, but it is our job. I agree with everybody on the council. Thank you.*

**Perry:** *When this came to me, I sat down and thought about it. The subject of council compensation gave me pause. Perception in today's world often amounts to factual belief. How can a member of council convince the public that compensation is appropriate versus being a method of receiving extra income? Then it occurred to me does the public know what we do. I did not.*

*Please allow me to use personal experience and shed light on the subject. In 2006 the town was involved in multiple lawsuits. In an effort to clear these up the mayor and myself attended several mediation sessions that required out of town attendance. Additionally, several court cases also required time consuming attendance. After numerous council open and closed sessions all the suits were resolved.*

*One of my collateral duties was attendance to quarterly out of town meetings as a member of the Albemarle Regional Solid Waste Authority known as the ARSWA. It happened at a time when the contract for all the waste from the county was being renewed requiring numerous meetings out of town. It is extremely important that a municipal member stay on top of this authority because it determines both the place for our waste and the method of getting that waste from transfer site to landfill.*

*Another collateral duty was attending quarterly out of town meetings on the Regional Planning Organization. This organization involves NCDOT road planning and is the place where local needs are considered and placed into future planning. Lynne is currently on that board.*

*Serving on the Tourism Board is a monthly meeting obligation. However, there are several additional subcommittees requiring attendance during the month. I was on the personnel committee at a time when a pay study took additional time attending work groups. Serving as treasury secretary involves weekly co-signing of checks to pay numerous bureau obligations and there are a lot of them. Fortunately, most of that was brought to my home but someone out on the job presents a different problem.*

*I was assigned to the Governor's Scientific Advisory Panel on Offshore Energy, a study set up by a former governor. These meetings started quarterly in Raleigh then increased to monthly, finally requiring twice monthly meetings in Raleigh to finish the report. It was very time consuming and expensive even using travel reimbursement for mileage.*

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*I served on the Shoreline Management Commission. At first the commission dealt with how to use Occupancy tax money dedicated to ocean shore nourishment based upon possible federal beach nourishment for Nags Head and Kill Devil Hills. Then Nags Head asked to use the money for a non-federal project. Since the Occupancy tax is collected by all the towns and county, members like me objected to all of it being used for a single town. Then board Chairman, Warren Judge, responded to the objections resulting in multiple beach nourishment projects. Membership on such commissions is important for the benefit of the town.*

*Then came covid. Daily virtual meetings. Making hard decisions without full council benefit or input. Decisions affecting every aspect of citizen's daily and future life. Decisions sometimes in conflict with others assembled to decide a course of action in the best interest of the public.*

*All of the above in addition to the normal monthly council meetings, budget workshops, special subject meetings, emergency management during storm events, and the mental stress of trying to balance continued town funded services during an economic downturn like the 2008 recession.*

*Therefore, how might I vote on the issue of council compensation? If I believe the suggested amount reflects appropriate compensation for serving the citizens of Kitty Hawk the response will be aye. If, however, it appears to be an additional income source, the response will be nay.*

*I have added a couple of things to my prepared remarks so let me go through them. The suggested dollar stipend may be sufficient to entice a retiree to seek extra income while not being truly interested in pursuing the best interests of the town. That is a question. I have approached this as a civic duty. My sitting here was considered a civic duty by me but that does not mean members should pull money from pockets to serve the town. I have on more than one occasion. Even using reimbursement for mileage and things of that nature it still sometimes ... I mean if you are running back and forth to Raleigh you are changing oil and all those things add up.*

*Jeff, you serve on the Tourism Board, and you get a stipend.*

**Pruitt:** *Yes. Just the main meeting. For the subcommittee meetings you do not.*

**Perry:** *I know. I was there. And if you do not attend that board meeting you do not get the money.*

**Pruitt:** *Correct. And usually, it is two meetings a month and then a lot of times, depending on your position, you might be attending more. It depends on what role you play on the board.*

**Perry:** *How many subcommittees do you serve?*

**Pruitt:** *Well, I am the chairman of the Tourism Board right now, so I attend two in person, and I attend all the virtual meetings. Sometimes it will be four, five a month depending on what is going on.*

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**Perry:** *David, do you have any collateral duties yet?*

**Hines:** *Not with the Town of Kitty Hawk.*

**Perry:** *We must fix that. You are going to have some soon.*

**Hines:** *I have no issues with that.*

**Perry:** *Lynne?*

**McClean:** *I have ARPO and the Land Transfer Tax Appeals Board.*

**Hines:** *Let me back up. I am on the Dare County Planning Board.*

**Perry:** *No. It does not count.*

**Hines:** *Okay. I am just saying I am not only just sitting here.*

**Perry:** *I understand. We are talking about Kitty Hawk.*

**McClean:** *When Craig made the comment when he went from the planning board to the council and there was no difference in compensation. I was amazed at the difference in the number of things I had to learn about. It has been a tremendous educational and enlightening experience getting involved in all the issues of the town.*

**Perry:** *When you attend those regional planning meetings, they are out of town are they not?*

**McClean:** *Now they are. They used to bring them to Manteo a couple of times a year but now they have space in Edenton. So, it is a nice day trip to Edenton. The roads are not bad. There has never been any traffic, but it is not Kitty Hawk.*

**Perry:** *And you?*

**Garriss:** *I am on the Government Education Access Channel Committee, CurrentTV. There are bi-monthly meetings in Manteo. They usually last about two hours. I receive no stipend and I have never put in for mileage.*

**Perry:** *I always looked at if it is in Dare County that is what our stipend is for. If it goes outside of Dare County, then at least mileage and if necessary, per diem but most of the time at those meetings somebody is supplying chow, so you do not have to worry about that.*

*Okay, what do I believe? I believe the suggested amount is a little high. By about \$300 but an increase is warranted. That said, because this is presented as a de facto part of the budget and we*

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*are not holding a separate vote on it, for that reason I must vote aye because I do not have any problem with the rest of the budget. I wanted you to understand the way this came about it boxed me in. I probably would have voted differently but we must have a budget and we are not going to have another meeting.*

*Is there anything else that anybody wants to say before I call for a motion to approve the budget?*

Hearing no further comments, **Councilman Hines made a motion to approve the budget. Councilwoman McClean seconded and it passed unanimously, 5-0. (The FY 21-22 Budget Ordinance is Ordinance No. 21-05 and the Capital Project Ordinance Fund 40 for the Construction of a new Police Station and Fire/EMS Substation is Ordinance No. 21-06.)**

## **11. NEW BUSINESS**

### **a.) Appointments to the Planning Board and Board of Adjustment**

**Councilman Pruitt made a motion to reappoint John Richeson, Jim Geraghty and Chuck Heath as regular members of the planning board with a term of office to expire June 30, 2023. Councilman Hines seconded and it passed unanimously, 5-0.**

**MPT Garriss made a motion to reappoint Matt Spencer as an alternate on the planning board with a term of office to expire June 30, 2023. Councilwoman McClean seconded it passed unanimously, 5-0.**

Mayor Perry said the next appointment is to the unexpired term of Mr. Muir who passed away recently. He added this is a popular board and there are numerous people who would like to be appointed.

**Councilman Pruitt made a motion, seconded by MPT Garriss, to appoint Blair Meads to the unexpired alternate position of Mr. Muir's term to expire in June 2022. The vote was unanimous, 5-0.**

**Councilwoman McClean made a motion to reappoint John Richeson as the Chairman of the Planning Board and Bryan Parker as the Vice-Chairman. Councilman Hines seconded and it passed unanimously, 5-0.**

**MPT Garriss made a motion, seconded by Councilwoman McClean, to reappoint Christine Buckner, Blair Meads and Natalie Smith as a regular member on the Board of Adjustment with a term of office to expire June 30, 2024. The vote was unanimous, 5-0.**

**Councilman Pruitt made a motion to reappoint Kip Tabb as an alternate to the Board of Adjustment with a term of office to expire June 30, 2024. It was seconded by Councilwoman McClean and the vote was unanimous, 5-0.**



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**b.) Appointment to the Dare County Land Transfer Tax Appeals Board**

**MPT Garriss made a motion to reappoint Lynne McClean to the Dare County Land Transfer Tax Appeals Board. Term to expire June 30, 2025. The motion was seconded by Councilman Hines and the vote was unanimous, 5-0.**

**10. a.) (At this time council returned to Agenda Item 10. Amendment to the Personnel Policy Article IV, Recruitment and Employment. Section 8. Career Ladder Promotion (Within Range))**

*Perry: Before we go any further there is something we were going to talk about during the budget discussions. Thank you for reminding me Casey. The bottom line is the police and fire departments are proposing to extend the existing career ladder program. The plan was originally presented at the April 26, 2021 budget workshop. Council requested that a service requirement for individuals to advance within the career ladder structure be added. An updated personnel policy addressing this topic is included in the packet. Council felt like if we paid taxpayer money there should be an obligation to pay some of that back by performing duty with the town for a certain period of time. I believe it is one year?*

**Stewart:** *Yes sir.*

**Varnell:** *Mayor if you would allow public comment since it was a part of the public hearing.*

**Perry:** *Do I need to go back into public hearing?*

**Varnell:** *You can do it just to be formal.*

**Councilman Pruitt “so moved” to go into public hearing. Councilwoman McClean seconded. There was no vote.**

**Hearing no comments, MPT Garriss made a motion to go back into regular session. Councilman Hines seconded and it was unanimously approved, 5-0.**

**Garriss:** *Andy, can we enforce that one-year stipulation?*

**Stewart:** *Yes. It has a rehire clause to where if they choose to move forward up the career ladder and go after those additional opportunities available to them and they do not stay a year they are not eligible for rehiring. That is the policy.*

**Garriss:** *Does anybody else do that on this beach? I am not aware of any.*

**Stewart:** *No. There is not.*

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**McClellan:** *All we are asking them to do is work and show us the skills they learned.*

**Perry:** *Are we good?*

**Varnell:** *Just take a vote on adopting that policy.*

**Perry:** *All in favor of the career ladder policy?*

It was a unanimous vote in favor of the Personnel Policy amendment.

**c.) Police, Fire/EMS Substation Architectural Review Committee Recommendation**

Manager Stewart reported the selection committee recommends Manns Woodward Studios and asks that staff be allowed to negotiate for contractual services.

**MPT Garriss made a motion to approve town staff to negotiate a cost and service agreement with Manns Woodward Studios for architectural and engineering design of the Police Station and Fire/EMS Substation on US 158. Councilman Hines seconded and it passed unanimously, 5-0.**

**12. TOWN MANAGER**

**Stewart:** *I am going to have our Public Works Director give a brief update on where we are with the construction of the crossover at Kitty Hawk Park.*

**Midgett:** *It is coming along and looks nice. The bridge deck for the first bridge is complete and they are about three quarters done with the second bridge. Once the second deck is complete, they will hand move crushed granite to the pathways and then start the handrails on the two bridges. There was a small delay in construction last week due to the weather. It was quite wet, but the engineer thinks they will be done by July 2<sup>nd</sup> which is the date they are required to be substantially complete.*

**Perry:** *As long as he is proceeding on, I do not think we are going to give him a hard time. He is doing a good job. I think the town is going to enjoy this.*

**Stewart:** *A reminder our next council meeting is not on a Monday it is on Tuesday, July 6<sup>th</sup>.*

*I appreciate council approving the budget. We look forward to another good year. We have a lunch scheduled for our employees next week to go over the budget, benefits and personnel changes. I think things are going good for the town and we are excited about another year. Thank you all for what you do.*

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**13. TOWN ATTORNEY**

There were no comments or reports from the attorney.

**14. TOWN COUNCIL**

**Pruitt:** *I do not know who to thank for the reflective light at the intersection of the beach road and E. Kitty Hawk Road at the Black Pelican. It works great it. I have always been concerned about that intersection.*

**Hines:** *I have watched that crosswalk be used, and I am glad it is there. It has really made a big difference. People are literally stopping now. You can see it plain as day and I am glad it is there.*

**McClean:** *That is one trouble spot. There are a few more. I drive the beach road rather than the bypass and am always aware of pedestrians trying to cross and cars just going right by them. I wish we could have them in a few more spots on the beach road but let's see how this one works out.*

**Garriss:** *Thanks to the staff and already I am going to comment on the lifeguards. We have great lifeguards. On the Memorial Day weekend Saturday, I went to the Bath House. The beach was full. We ended up having to sit close to the lifeguard stand and they did a shift change while I was there so this involved more than one person. Everyone that came on the beach that lifeguard turned around and said hello, can I help you, and spoke to the children. There was an elderly person, somebody older than me, and they asked if he needed any assistance. When people left, they said have a great day. While I was there, Chief Johnson, one of your police officers showed up just to check and make sure everything was all right. We are lucky every year with our lifeguards. They are doing a great job.*

**Perry:** *I have a thank you letter to the town from the Division of Coastal Management. It reads, "I would like to personally thank the Town of Kitty Hawk Police Department for assisting us with the removal of the encampment in Kitty Hawk Woods south of Barlow Lane. This cleanup would not have been possible without your involvement. We truly appreciate our partnership with the town and want to express our gratitude for the work performed by town police officers. Although it may seem like a small task, we value the time and effort that went into encouraging the cleanup on our property." Signed by Erik Alnes. He is the local area sites manager.*

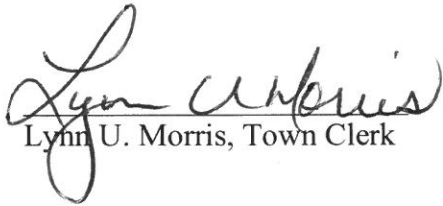
*I wanted to read this for two reasons. First it is a thank you to the police department for stepping up. It also shows that even though we had a little back and forth a few months ago with the coastal staff we still want to work with them, and we intend to work with them. We can work together to manage things and do it right.*

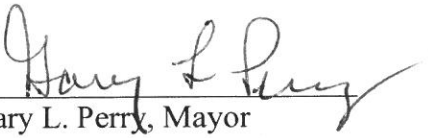
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**15. ADJOURN**

**Mayor Perry made a motion to adjourn until Tuesday July 6, 2021 at 6:00 p.m. Councilwoman McClean seconded the motion and it passed unanimously, 5-0. Time was 7:31 p.m.**

These minutes were approved at the July 6, 2021 council meeting.

  
Lynn U. Morris, Town Clerk

  
Gary L. Perry, Mayor